

Application No. 09/933,742
Reply to Office Action of August 12, 2003

REMARKS

The Office Action indicated that claims 2-12 and 14-35 contained allowable subject matter. Applicant would like to thank the Examiner for this indication of allowable subject matter.

Regarding claims 1 and 13, the Office Action rejected these claims under 35 U.S.C. § 112, first paragraph, as not being enabled. The Office Action stated that although the specification is enabling for combating cellulite, it is not enabling for preventing cellulite. In view of the following comments, Applicant respectfully request reconsideration and withdrawal of this rejection.

Claim 1 is directed to a composition containing a sapogenin and a xanthine base. Nowhere does this claim require prevention of cellulite. Accordingly, Applicant respectfully submits that the rejection of claim 1 under § 112 is improper and should be withdrawn.

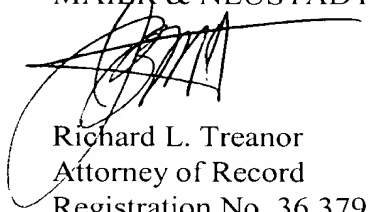
Claim 13 has been amended to delete “preventing cellulite.” Accordingly, Applicant respectfully submits that the § 112 rejection of this claim has been rendered moot and should be withdrawn.

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Applicant believes that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'R. Treanor', is written over the printed name and title.

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